

**AMENDMENTS TO THE DRAWINGS**

The Examiner has required corrected drawings because the hand written reference numbers within the figures are difficult to read. In addition, the Examiner has objected to the drawings because they fail to show "the process repeats for another cycle starting at step 202."

Applicants submit herewith replacement drawing sheets. The handwritten reference numbers have been replaced in formal drawings, and an indicator has been included in FIGs. 2A and 2B to show "the process repeats for another cycle starting at step 202."

Applicants submit that the replacement drawing sheets overcome the Examiner's rejections.

**REMARKS**

This Amendment and Request for Reconsideration is submitted in response to an outstanding Office Action (non-final) dated December 1, 2004, the shortened statutory period for response having expired on March 1, 2005. Accordingly, a Petition and Fee for Extension of time are included herewith.

**I.     Status of the Claims**

Please amend claims 1, 9-13, and 15 - 21 as indicated above. Claims 1-21 are now pending in the application. Claims 1, 9, 10, 11, 12, 13, and 21 are independent claims.

Applicants acknowledge the Examiner's citation of statutory authority as a basis for claim rejections.

**II.    Objections to the Drawings**

The Examiner has required corrected drawings because the hand written reference numbers within the figures are difficult to read. In addition, the Examiner has objected to the drawings because they fail to show "the process repeats for another cycle starting at step 202." Applicants submit herewith replacement drawing sheets, and ask the Examiner to withdraw the objections and rejections.

**III.   Objections to the Specification**

The Examiner has objected to the specification at paragraphs [0043], and [0050]. Applicants have corrected the specification to address the objections, and ask the Examiner to withdraw the objections. The Examiner indicated that paragraphs [0055] and [0056] in the specification were not consistent with the figures, and required correction. Applicants have corrected paragraph [0055] of the specification to conform to the figures.

**IV.    Rejections under 35 U.S.C. § 112**

The Examiner has rejected claim 19 under 35 U.S.C. § 112 ¶2 as being indefinite.

Applicants have amended claim 19 to correct the antecedent basis, and ask that the Examiner withdraw the rejection.

V. Objections

The Examiner has objected to claims 1, 9, 10, 11, 12, 13 and 21 for informalities and states that “as functional development packages” is improper. The Examiner has suggested “of functional development packages.” Applicants have amended claims 1, 9, 10, 11, 12, 13 and 21 to correct the informality.

VI. Rejections under 35 U.S.C. § 103

**Claims 1, and 3-8**

The Examiner has rejected claims 1, and 3-8 under 35 U.S.C. § 103(a) as being unpatentable over Steinman et al. (“Object Technology’s ENVY/Developer”).

Claim 1 recites: identifying projects for a software development cycle; initiating concurrent software code development of functional development packages in at least two software code repositories; approving the functional development packages within each of the software code repositories; identifying omissions or conflicts between the approved functional development packages; resolving the omissions or conflicts between the functional development packages; and releasing the functional development packages.

With respect to claim 1, the Examiner states that Steinman does not explicitly disclose “initiating concurrent software development in at least two software code repositories or approving the code within each of the software code repositories.” The Examiner relies on the Postscript of Steinman at page 13 to disclose multi-repository support. Applicants have located a copy of documentation for Envy/Replicator R1.0, which was the Beta Release for IBM Smalltalk Professional Release 3.0, dated 1996 (“Envy/Replicator R1.0”). For completeness, a copy of this document is included in the IDS that is submitted herewith. It is possible that this document

describes the R3.0 release that is mentioned in the Postscript of Steinman at page 13. In the Office Action, the Examiner states that “the approval of the functional development packages within each of the repositories would be obvious over the one repository since different development teams would be working based from different repositories as taught on pg. 13.”

The Examiner also states that Steinman under “Needs ‘Integration ... detecting conflicts’” discloses the limitation “identifying omissions or conflicts between the approved functional development packages.” However, this limitation clearly requires an identification between packages that are within each of the software code repositories, not simply an identification within a single package as the Examiner has suggested. At best, the recited part of Steinman discloses detecting conflicts in a single repository, and there is no suggestion to detect conflicts between at least two repositories. Applicants submit that a mere suggestion of multiple repositories as proposed by the Examiner is not sufficient to disclose or suggest “identifying omissions or conflicts between the approved functional development packages.”

Similarly, the Examiner states that Steinman under “Needs ‘Integration ... detecting conflicts and managing dependencies’, ‘merging and differencing capability’ ‘merging the diverged code’” discloses the limitation “resolving the omissions or conflicts between the functional development packages.” However, again the Examiner has simplified and conveniently omitted limitations of the claim, which require resolving the omissions or conflicts between the functional development packages that are within each of the software code repositories. This limitation is not simply resolving omissions or conflicts in a single package of a single repository. Applicants submit that the mere suggestion of multiple repositories as the Examiner proposes is not sufficient to disclose or suggest “resolving the omissions or conflicts between the functional development packages.”

Further, applicants submit that even if Stein discloses multiple repositories, that

disclosure alone does not teach or suggest approval within each repository. The Examiner has failed to make the requisite showing of any motivation to approve functional development packages within each repository. Applicants submit that neither Steinman nor Envy/Replicator R1.0 either individually or in combination disclose or suggest approving the functional development packages within each of the software code repositories; identifying omissions or conflicts between the approved functional development packages; [and] resolving the omissions or conflicts between the functional development packages. Accordingly, Applicants submit that claim 1, and dependent claims 3-8 are not rendered obvious under 35 U.S.C. § 103 in view of Steinman.

**Claims 9, 10 and 11**

The Examiner has rejected claims 9, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Steinman and further in view of Chiles et al (U.S.P. No. 6,748,582).

Claim 9 is directed to computer executable software code transmitted as an information signal for managing software code development across a plurality of software code repositories, claim 10 is directed to computer-readable medium having computer executable software code stored thereon for managing software code development across a plurality of software code repositories, and claim 11 is directed to programmed computer for managing software code development across a plurality of software code repositories. Claims 9, 10, and 11 recite: code to initiate concurrent software code development of as functional development packages in at least two software code repositories; code to approve the functional development packages within each of the software code repositories; code to identify omissions or conflicts between the approved functional development packages; code to resolve the omissions or conflicts between the functional development packages; and code to release the functional development packages.

The Examiner acknowledges that Steinman does not explicitly disclose “initiating concurrent software development in at least two software code repositories or approving the code within each of the software code repositories,” as stated in claims 9, 10, and 11. The Examiner relies on the Postscript of Steinman at page 13 to disclose multi-repository support. In the Office Action, the Examiner states that “the approval of the functional development packages within each of the repositories would be obvious over the one repository since different development teams would be working based from different repositories as taught on pg. 13.” The Examiner relies on Chiles for a teaching of computer executable software code transmitted as an information signal (claim 9), computer-readable medium having computer executable software code stored thereon (claim 10), and programmed computer (claim 11).

As argued with respect to claim 1, applicants again submit that multiple repositories as alluded to in Steinman does not teach or suggest approval within each repository as stated in claims 9, 10, and 11, and that the Examiner has failed to make the requisite showing of any motivation to approve functional development packages within each repository. Further, as argued with respect to claim 1, claims 9, 10 and 11 require more than just approval of the functional development packages within each of the repositories.

Applicants submit that Steinman, Envy/Replicator R1.0, and Chiles either individually or in combination fail to disclose or suggest approving the functional development packages within each of the software code repositories; identifying omissions or conflicts between the approved functional development packages; and resolving the omissions or conflicts between the functional development packages. Accordingly, Applicants submit that claims 9, 10, and 11 are not rendered obvious under 35 U.S.C. § 103 over Steinman in view of Chiles.

### **Claim 12**

The Examiner has rejected claim 12 under 35 U.S.C. § 103(a) as being

unpatentable over Steinman and further in view of Banick et al (“Web Management with Microsoft visual SourceSafe 5.0”).

Claim 12 states: initiating concurrent SMALLTALK software code development with ENVY/DEVELOPER of functional development packages in at least two software code repositories, the code repositories at physically distinct locations; submitting the functional development packages for manager approval within the respective software code repository; automatically submitting the functional development packages for code owner approval; automatically identifying omissions and conflicts between the functional development packages; resolving the omissions or conflicts between the functional development packages; regression testing the functional development packages; approving the functional development packages; and releasing the functional development packages.

The Examiner acknowledges that Steinman does not disclose “initiating concurrent software code development in at least two software code repositories at physically distinct locations, or the identification of omissions.” The Examiner relies on the Postscript of Steinman at page 13 to disclose multi-repository support, and relies on Banick to disclose identification of omissions.

Applicants first note that claim 12 states “automatically submitting the functional development packages for code owner approval.” As support for the rejection, the Examiner relies on Steinman “developer make changes ... they alone can version” “owner can then release the code.” Applicants are unable to see how this part of Steinman discloses or suggests automatically submitting the functional development packages for code owner approval. There is nothing automatic in this disclosure of Steinman.

Similarly, claim 12 states “automatically identifying omissions and conflicts between the functional development packages.” As support for the rejection, the Examiner relies

on Steinman “(pg.2 under Needs ‘Integration ... detecting conflicts.’” Applicants are unable to see how this part of Steinman discloses or suggests automatically identifying omissions and conflicts between the functional development packages. Again, there is nothing automatic in this disclosure of Steinman.

Further, claim 12 requires automatically identifying omissions and conflicts between the functional development packages, and resolving the omissions or conflicts between the functional development packages. As discussed above with respect to claims 1, 9, 10 and 11, there is no disclosure or suggestion in Steinman of identifying or resolving between functional development packages that are within two software code repositories, and Banick does not add the missing limitation.

Applicants further submit that the stated motivation to combine Steinman and Banick “to resolve the conflicts that exist if have two different versions of the same file in order to merge the files as taught by Steinman and Banick” is classic hind-sight, and the Examiner has not identified any motivation to combine these two particular references.

#### **Claims 2 and 14**

The Examiner has rejected claims 2 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Steinman and further in view of Underwood (U.S.P. No. 6,718,535). In the rejection the Examiner relies on the rejections of claims 1 and 13 and the addition of Underwood.

Applicants submit that as argued elsewhere, the rejections of claims 1 and 13 in view of Steinman are not supported by Steinman, and therefore the rejections of claims 2 and 14 over Steinman in view of Underwood are similarly not supported by Steinman in view of Underwood.

#### **VII. Rejections under 35 U.S.C. § 102**

The Examiner has rejected claims 13, and 15-21 under 35 U.S.C. § 102 as being anticipated by Steinman et al.



As amended, claim 13 states: initiating software code development of a plurality of functional development packages in the single software code repository; approving the plurality of functional development packages; automatically identifying omissions or conflicts between the approved plurality of functional development packages; and resolving the omissions or conflicts between the plurality of functional development packages to produce a single functional development package. Claim 21 recites similar limitations.

In the rejection, it appeared that the Examiner did not consider claims 13 and 21 to require development of a plurality of functional development packages in the single software code repository, with approval of the plurality of functional development packages, automatically identifying omissions or conflicts between the approved plurality of functional development packages, and resolving the omissions or conflicts between the plurality of functional development packages to produce a single functional development package. Applicants submit that as amended, Steinman fails to disclose or suggest all of the limitations of claims 13 and 21, and that claims 13 and 21 are therefore allowable over Steinman. For the same reasons, Applicants submit that dependent claims 15 - 20 are also allowable over Steinman.

VIII. Request for Reconsideration

Applicants respectfully submit that the claims of this application are in condition for allowance. Accordingly, reconsideration of the rejection and allowance is requested. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

PATENT

Docket No.: 36287-02900

Respectfully submitted,  
Milbank, Tweed, Hadley & McCloy LLP



Chris L. Holm  
Reg. No.: 39,227

May 2, 2005  
~~April 27, 2005~~

Milbank Tweed Hadley & McCloy LLP  
1 Chase Manhattan Plaza  
New York, NY 10005  
(212) 530-5000 / (212) 530-5219 (facsimile)